

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUL 26 2016

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MATTHEW MARTINEZ,

Defendant.

**MATTHEW J. DYKMAN**  
CLERK

CRIMINAL NO. 15-4276 MCA

MOTION TO DISMISS COUNTS 1 AND 2 OF INDICTMENT  
WITHOUT PREJUDICE

Pursuant to Rule 48, Fed. R. Crim. P., the United States respectfully moves the Court to dismiss Counts 1 and 2 of the Indictment in this case, without prejudice, against defendant Matthew Martinez, and in support states as follows:

On March 21, 2016, defendant Matthew Martinez pled guilty to Count 3 of the Indictment, charging a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), that being Distribution of Heroin.

Pursuant to the plea agreement, the United States has agreed to dismiss Counts 1 and 2 of the Indictment as to defendant Matthew Martinez upon sentencing, and sentencing having taken place, the United States requests that the Court dismiss Counts 1 and 2 of the Indictment without prejudice against defendant Matthew Martinez in the above-referenced cause.

Respectfully submitted,

DAMON P. MARTINEZ  
United States Attorney

SHANA B. LONG  
Assistant United States Attorney  
P.O. Box 607  
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(505) 346-7274

I HEREBY CERTIFY that I tendered a copy of this motion on defense counsel in open court.

A handwritten signature in black ink, appearing to be 'S. Long', written over a horizontal line.

SHANA B. LONG  
Assistant U. S. Attorney